

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brandon Morrison,

Case No. 25-cv-664 (NEB/LIB)

Petitioner,

v.

REPORT AND RECOMMENDATION

Warden FCI Sandstone,

Respondent.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

Petitioner Brandon Morrison filed a Petition for habeas corpus challenging how the Bureau of Prisons (“BOP”) applied his First Step Act time credits (“FTC”) towards his sentence. [Docket No. 1]. When he submitted his Petition, he neither paid the filing fee nor submitted an application to proceed in forma paupers (“IFP”).

On February 20, 2025, the Clerk’s Office mailed Petitioner a letter directing him to either pay the filing fee or submit an IFP Application within fifteen days of the letter’s date. (Letter [Docket No. 2]). The letter informed Petitioner that if he failed to pay the filing fee or submit an IFP Application in the time permitted, his case could be summarily dismissed without prejudice. [Docket No. 2]. This letter was not returned as undeliverable.

That deadline has now passed, and Petitioner has neither paid the filing fee nor submitted an IFP application. In fact, Petitioner has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Petitioner, that this action be dismissed without prejudice under

Rule 41(b) for failure to prosecute. Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

Therefore, based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: March 26, 2025

s/ Leo I. Brisbois

Hon. Leo I. Brisbois

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).